

Choosing an Informal Domestic Relations Trial for Your Family Law Case

Note: You can agree to trying an Informal Domestic Relations Trial (IDRT) either by using this form or telling the judge you want to during a hearing.

This process may not be right for your case, and these instructions cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

What Terms Do I Need to Know?



Petitioner/Plaintiff- Depending on the type of case, the person who files an action in court is either called the petitioner or the plaintiff. If you were the first person to file something in court, this is you.

Respondent/Defendant- Depending on the type of case, the person who needs to respond to someone else's action in court is either called the respondent or defendant. If the other person filed first, this is you.

Dissolution- Dissolution is the legal word for divorce in Montana

Modification- If you want to change something about something the Court has already ordered (i.e. a dissolution, parenting plan, or order of protection), then you are asking for a modification.

Informal Domestic Relations Trial (IDRT)- This is a new process for handling family laws cases in Montana. You can learn more about the difference between this and a traditional trial at <https://courts.mt.gov/idrt/>.

Traditional Trial- The usual process for family law cases tends to involve a traditional trial. You can learn more about the difference between this and an IDRT at <https://courts.mt.gov/idrt/>.

Montana Rules of Evidence- The laws that govern how a traditional trial works for family cases in Montana is called the Montana Rules of Evidence. They can be found [in title 26, chapter 10 of the Montana Code Annotated.](#)

Who Can Use the Form?



You can use this form if you:

- Are seeking a dissolution, parenting plan, order of protection, or modification from a participating District Court. Right now IDRTs are available in the First District (Lewis & Clark or Broadwater County), Fourth District (Missoula or Mineral County), or Twelfth District (Chouteau, Hill, or Liberty County).

What Do I Do with this Form?



1 Fill out the Form

- ☐ Fill out all the blanks on the Informal Domestic Relations Trial Agreement.
- ☐ Sign and date your Informal Domestic Relations Trial Agreement.
- ☐ Fill out the judicial district, county, and caption. If you aren't sure which judicial district you are in, you can look at another document that has been filed in your case or ask the Clerk of District Court. The caption looks like this:

Montana _____ Judicial District Court <i>Number of the judicial district where you are filing</i> _____ County <i>Name of the county where you are filing</i>	
<hr/> <div>Petitioner / Plaintiff,</div> <div>and</div> <div>_____</div> <div>Respondent / Defendant.</div>	<div>Case No.: _____ <i>Filled out by Clerk of District Court Unless you have already filed your case and know the number</i></div> <div>Informal Domestic Relations Trial Agreement</div>

2 Make Copies

- ☐ Make one copy of the form after you have filled it out.

3 File Form at the Courthouse

- ☐ Go to the Clerk of District Court's office in your county courthouse. Give the Clerk of District Court the original Informal Domestic Relations Trial Agreement.
- ☐ Give your copy to the Clerk of District Court and ask them to stamp it as "Filed". Keep the copy in a safe place.

Where Can I Get Help?



- **The Court Help Program** is a free service provided by the Montana Supreme Court to assist people with civil, non-criminal legal problems. You can visit their website at <https://courts.mt.gov/selfhelp/> to find your nearest Self-Help Law Center.
- **Montana Legal Services Association (MLSA)** gives free legal help to low and moderate-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. The referral is free. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at www.lawlibrary.mt.gov. Or you can contact a Reference Librarian at 1-800-710-9827 or by email at mtlawlibrary@mt.gov.

Name

Mailing Address

City State Zip Code

Phone Number

E-mail Address (*optional*)

☐ Petitioner/Plaintiff ☐ Respondent/Defendant

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

<p>_____, Petitioner / Plaintiff, and _____, Respondent / Defendant.</p>	<p>Case No: _____</p> <p>Informal Domestic Relations Trial Agreement</p>
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My name is _____. I agree to the following:

- I want an informal domestic relations trial. I make this choice voluntarily and understand that both people involved in the case and the judge must agree to it.
- I understand that because the Montana Evidence Rules do not strictly apply, both sides can present any relevant evidence we think is important. The judge will decide how much weight to give the evidence provided.
- I understand I will not have the right to question the other side and the other side will not question me. Instead, the judge will ask both of us questions about the issues in the case. Each side may suggest topics or questions for the judge to ask about.

- I understand that most of the time, the two people in the case are the only witnesses. Sometimes a party needs an expert witness (someone with special training and education) to give an opinion, which is allowed in informal trials. The parties may ask experts questions. Other witnesses may testify only if the judge agrees they are needed.
- I understand that lawyers may not ask the parties questions but may question expert witnesses. Lawyers may also make opening statements if allowed by the judge, identify the issues, and make short arguments about the law at the end of the case.

I have read this document, and I understand and agree to an informal domestic relations trial.

Signature

Date